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In re Application of	:	
CLIFFORD, Michael, et al.	:	
Application No.: 10/598,760	:	
PCT No.: PCT/EP2005/002701	:	
Int. Filing Date: 09 March 2005	:	DECISION
Priority Date: 11 March 2004	:	
Attorney's Docket No.: CB60772	:	ON REQUEST UNDER
For: PREBIOTIC USE OF FRUITS AND	:	
FRUIT JUICES IN THE PROMOTION :	:	37 CFR 1.497(d)
OF BENEFICIAL GUT MICROFLORA :	:	
BASED DEPTH MEASUREMENT :	:	
FOR MEDICAL APPLICATIONS :	:	

This decision is in response to applicant's request under 37 CFR 1.48(a), filed in the United States Patent and Trademark Office on 27 September 2007. It has been treated as a Request Under 37 CFR 1.497(d).

BACKGROUND

On 26 April 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 27 September 2007, applicant filed this request and a declaration executed by four inventors.

DISCUSSION

Applicants file this request to add Andrea Rodig-Penman, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has not been satisfied. The consent of the assignee is signed by Dara L. Dinner as "Agent for Applicant". Agent is not a title that conveys apparent authority to bind the assignee and the agent has not self-certified authority to bind the assignee. See MPEP 324.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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